

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

DECLARATION OF WEI-CHIH HSU

Pursuant to 28 U.S.C. § 1746, I, Wei-Chih Hsu, declare as follows:

1. I am an attorney at Crowell & Moring LLP and represent Defendant Fenix Diamonds LLC (“Fenix”) in the above-captioned matter. I am admitted *pro hac vice* to practice in this Court, and I am familiar with the facts and circumstances set out herein. Pursuant to this Court’s order dated February 21, 2024 directing Fenix to submit a supplemental filing that itemizes the requested fees and expenses, I make this declaration in support of that supplemental filing. The following facts are true based upon my personal knowledge or upon my investigation on behalf of Fenix.

2. I have reviewed the records of the attorney fees and expenses incurred in the above-captioned matter after July 14, 2020.

3. Annexed hereto as **Exhibit A** is a true and correct copy of a spreadsheet created by Fenix’s counsel regarding the breakdown of attorney fees and non-taxable expenses.

4. Annexed hereto as **Exhibit B** is a true and correct copy of a compilation of invoices of Fenix’s counsel from Leydig Voit & Mayer, Ltd. for the services performed in the relevant time frame. Leydig Voit & Mayer, Ltd. served as lead counsel for Fenix from the

inception of this case until December 2022.

5. Annexed hereto as **Exhibit C** is a true and correct copy of a compilation of invoices of Fenix's counsel from Crowell & Moring LLP for the services performed in the relevant time frame. Crowell & Moring served as lead counsel in the above-captioned case beginning in December 2022.

6. Annexed hereto as **Exhibit D** is a true and correct copy of a compilation of invoices of Fenix's counsel from Bryan Cave Leighton Paisner LLP for the services performed in the relevant time frame. Bryan Cave Leighton Paisner LLP served as co-counsel with Leydig from the inception of this case until December 2022.

7. Annexed hereto as **Exhibit E** is a true and correct copy of a compilation of invoices of Fenix's counsel Imran H. Samol for the services performed in the relevant time frame. Mr. Samol was Indian counsel that assisted with discovery of Nouveau.

8. Annexed hereto as **Exhibit F** is a true and correct copy of a compilation of invoices of Fenix's counsel Apurva Sharad Vakil for the services performed in the relevant time frame. Mr. Vakil was Indian counsel that assisted with discovery of Nouveau.

9. Annexed hereto as **Exhibit G** is a true and correct copy of a compilation of invoices of Fenix's damage expert, David Yurkerwich (Ankura Consulting Group, LLC), for the services performed in the relevant time frame.

10. Annexed hereto as **Exhibit H** is a true and correct copy of a compilation of invoices of Fenix's technical expert, Dr. John Martens (Exponent, Inc.), for the services performed in the relevant time frame.

11. Annexed hereto as **Exhibit I** is a true and correct copy of a compilation of invoices of Fenix's technical expert, Dr. J. Michael Pinneo (ExpertLink LLC), for the services

performed in the relevant time frame.

12. Annexed hereto as **Exhibit J** is a true and correct copy of a compilation of invoices from Fenix’s e-discovery provider, Complete Discovery Source, Inc., for the services performed in the relevant time frame.

13. Annexed hereto as **Exhibit K** is a true and correct copy of an excerpt of “AIPLA 2023 Report of the Economic Survey.”

14. Annexed hereto as **Exhibit L** is a true and correct copy of an excerpt of “AIPLA 2021 Report of the Economic Survey.”

15. Annexed hereto as **Exhibit M** is a true and correct copy of an excerpt of “The 50th Annual Survey of Law Firm Economics,” 2022 Edition by The National Law Journal and ALM.

16. Annexed hereto as **Exhibit N** is a true and correct copy an excerpt of Official Form 206E/F of M7D Corporation’s Voluntary Petition for Non-Individuals Filing for Bankruptcy (Doc. 1 Case No. 23-11699 U.S. Bankruptcy Court, District of Delaware).

17. Annexed hereto as **Exhibit O** is a compilation of true and correct copies of the curriculum vitae of Plaintiffs’ experts as attached to their reports served in this matter.

18. Annexed hereto as **Exhibit P** is a compilation of the true and correct copies of the curriculum vitae of Fenix’s experts as attached to their reports served in this matter.

19. Annexed hereto as **Exhibit Q** is a true and correct copy an excerpt of Dr. Pinneo’s opening expert report for invalidity served in this matter.

20. Annexed hereto as **Exhibit R** is a true and correct copy of the home page of Complete Discovery Source’s website, which was accessed on February 27, 2022 at <https://cdslegal.com/>.

21. Annexed hereto as **Exhibit S** is a true and correct copy of an article titled “eDiscovery Costs - How to Manage in Cases Under 500 GBs,” by Tom O’Connor, dated October 8, 2018, as accessed using at <https://www.digitalwarroom.com/blog/new-solution-for-managing-ediscovery-costs-in-small-cases>.

22. Annexed hereto as **Exhibit T** is a true and correct copy of a spreadsheet created by Fenix’s counsel regarding the calculation of pre-judgment interest if the Court awards the requested amount of attorney fees in full.

23. I have researched the publicly-available information concerning the credentials of the attorneys from the law firms Leydig Voit & Mayer and Bryan Cave Leighton Paisner who previously appeared for Fenix in this matter and provide that information here for the Court’s convenience:

- a. Attorney David M. Airan (1990 law school graduate) is a shareholder of Leydig, Voit & Mayer, Ltd. Mr. Airan was admitted to the Illinois bar in 1993. According to his biography, Mr. Airan has over 20 years of experience as an intellectual property trial attorney in dozens of high technology and high-stakes cases.
- b. Attorney Steven H. Sklar (1996 law school graduate) is a shareholder of Leydig, Voit & Mayer, Ltd. Mr. Sklar was admitted to the Illinois bar in 1996.
- c. Attorney Paul J. Filbin (1999 law school graduate) is a shareholder of Leydig, Voit & Mayer, Ltd. Mr. Filbin was admitted to the Illinois bar in 1999.
- d. Attorney Nicole E. Kopinski is a shareholder of Leydig, Voit & Mayer, Ltd. Ms. Kopinski was admitted to the Illinois bar in 2005. Ms. Kopinski was a member at the time she worked on this case.
- e. Attorney Michael J. Schubert (2013 law school graduate) is a member of Leydig,

Voit & Mayer, Ltd. Mr. Schubert was admitted to the Illinois bar in 2013.

f. Attorney Kevin B. Liu (2016 law school graduate) is a member of Leydig, Voit & Mayer, Ltd. Mr. Liu was admitted to the Illinois bar in 2016.

g. Attorney James W. Sanner (2017 law school graduate) is an associate of Leydig, Voit & Mayer, Ltd. Mr. Sanner was admitted to the Illinois bar in 2018.

h. Attorney Wallace Feng (2018 law school graduate) is an associate of Leydig, Voit & Mayer, Ltd. Mr. Feng was admitted to the Illinois bar in 2018.

i. Attorney Keelin D. Bielski (2019 law school graduate) is an associate of Leydig, Voit & Mayer, Ltd. Ms. Bielski was admitted to the Illinois bar in 2019.

j. Attorney Hughie C. Kellner (2021 law school graduate) is an associate of Leydig, Voit & Mayer, Ltd. Mr. Kellner was admitted to the Illinois bar in 2021.

k. Attorney Daniel Waxman (1992 law school graduate) was a Partner of Bryan Cave Leighton Paisner LLP. Mr. Waxman was admitted to the New York bar in 1993.

l. Attorney Joseph J. Richetti (1998 law school graduate) is a Partner of Bryan Cave Leighton Paisner LLP. Mr. Richetti was admitted to the New York bar in 1999.

According to his biography, Mr. Richetti is a co-leader of the firm's Intellectual Property (IP) Practice.

m. Attorney Jean-Claude André (2000 law school graduate) is a partner of Bryan Cave Leighton Paisner LLP. Mr. André was admitted to the California bar in 2001.

n. Attorney Monica Carroll was a counsel of Bryan Cave Leighton Paisner LLP. Ms. Carroll was admitted to the Illinois bar in 1979.

o. Attorney Paul B. Sudentas (2008 law school graduate) is an associate of Bryan Cave Leighton Paisner LLP. Mr. Sudentas was admitted to the New Jersey bar in 2008

and New York bar in 2009.

p. Attorney George G. Brell (2011 law school graduate) is an associate of Bryan Cave Leighton Paisner LLP. Mr. Brell was admitted to the California bar in 2011.

q. Attorney Frank M. Fabiani (2012 law school graduate) is an associate of Bryan Cave Leighton Paisner LLP. Mr. Fabiani was admitted to the New York bar in 2015.

24. Maxwell Snow is a 2014 law school graduate, and was admitted to the Illinois bar in 2016. Mr. Snow was an associate at Leydig, Voit & Mayer, Ltd. between April 2019 and December 2022 and is now employed by Consolidated Legal LLC.

25. Attorney Mark Remus (1997 law school graduate) is a partner at Crowell & Moring LLP. Mr. Remus was admitted to the Illinois bar in 1997. Mr. Remus has served as lead counsel on numerous patent infringement litigation matters, appearing in over 90 patent infringement cases in the federal courts. Mr. Remus has successfully represented clients in jury trials, bench trials, and appeals to the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court.

26. Attorney Laura Lydigsen (2005 law school graduate) is a partner at Crowell & Moring LLP. Ms. Lydigsen was admitted to the Illinois bar in 2005. Ms. Lydigsen is an intellectual property litigator with over 15 years' experience representing clients in patent litigation before the federal courts. Prior to joining private practice, she served as a law clerk to judges at the U.S. Court of Appeals for the Federal Circuit and U.S. District Court for the Northern District of Illinois.

27. Anne Elise Herold Li (2006 law school graduate) is a partner at Crowell & Moring LLP's New York Office and has served as counsel in over three dozen patent infringement suits. Ms. Li was admitted to the New York bar in 2007 and is admitted to practice

in the Southern District of New York.

28. Harold V. Johnson (1984 law school graduate) is a partner at Crowell & Moring and served as lead counsel in numerous patent infringement suits over his 40-year career. Prior to joining Crowell & Moring, Mr. Johnson was a partner at the intellectual property boutique, Brinks Gilson & Lione, which combined with Crowell & Moring LLP in July 2021.

29. Frederick Hyman (1992 law school graduate) is a partner at Crowell & Moring's New York office who specializes in bankruptcy and restructuring. Mr. Hyman was admitted to the New York bar in 1993.

30. I am a 2020 law school graduate and am an associate at Crowell & Moring LLP. I was admitted to the Illinois bar in 2021.

31. Attorney Kassidy Schmitz (2022 law school graduate) is an associate at Crowell & Moring LLP. Ms. Schmitz was admitted to the bar of the District of Columbia in 2023.

32. Attorney Laine Cadwallader (2022 law school graduate) was an associate at Crowell & Moring LLP. Ms. Cadwallader served as a patent agent at the firm prior to obtaining her law degree. She was admitted to the bar of Indiana.

33. I hereby certify and affirm that all of the facts herein are true based upon my personal knowledge, or are believed to be true to the best of my knowledge, and certify the truth of these statements under penalty of perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Naperville, Illinois on February 28, 2024

/s/Wei-Chih Hsu